

## **REMARKS**

As an initial matter, the Applicant's attorney hereby informs the Examiner that FIGS. 6A-6C were inadvertently filed with the application, and the Examiner is thus requested not to consider FIGS. 6A-6C a part of the application.

Claims 1-25 are pending in the application. Claims 1-25 stand rejected. Claims 1 and 11-25 have been amended. New claim 26 has been added to the application. In view of the following, all new and rejected claims are in condition for allowance.

### **Rejection of Claims 1-4, 7, 9-12, 19-22 and 24-25 Under 35 U.S.C. 102(b) As Being Anticipated By Kirby, et al. ("Kirby")**

#### **Claim 1**

Claim 1 recites retrieving with a vessel a mission module operable to functionally interact with the vessel.

For example, referring, e.g., to FIGS. 1 and 2 and paragraphs 16-17 and 24 of the present application, a ship (vessel) 100 includes a hull structure or frame 115 that is designed to accept one or more mission modules 105. Mission modules 105 are designed with different capabilities that, when interfaced with the ship 100, provide the ship 100 with mission-specific functionality for respective types of missions. That is, a mission module 105 is, for example, capable of carrying equipment and supplies, transferable to/from the ship 100, necessary to conduct a specified mission.

Kirby, on the other hand, fails to teach retrieving with a vessel a mission module operable to functionally interact with the vessel. As cited by the Examiner, and as shown at, e.g., FIGS. 1-2, Kirby teaches a ship 10 capable of receiving and carrying floatable containers 16. However, Kirby fails to teach or suggest that these containers 16 in any way provide functionality to or otherwise interact with the ship 10.

### **Claims 11, 19 and 24**

Claims 11, 19 and 24 are patentable for reasons similar to those discussed above in connection with claim 1.

### **Claims 2-4, 7, 9-10, 12, 20-22 and 25**

Claims 2-4, 7, 9-10, 12, 20-22 and 25 are patentable by virtue of their respective dependencies from claims 1, 11, 19 and 24.

### **Rejection of Claims 5-6 and 8 Under 35 U.S.C. 103(a) As Being Unpatentable Over Kirby**

Claims 5-6 and 8 are patentable by virtue of their dependency from claim 1.

### **Rejection of Claims 13-15 Under 35 U.S.C. 103(a) As Being Unpatentable Over Kirby In View of Vernede**

Vernede fails to supply the teachings missing from Kirby, namely retrieving with a vessel a mission module operable to functionally interact with the vessel. As such, Kirby and Vernede, taken each alone or in combination, fail to teach or suggest the limitations recited in claim 11. Accordingly, claims 13-15 are patentable by virtue of their dependency from claim 11.

### **Rejection of Claims 16-18 and 23 Under 35 U.S.C. 103(a) As Being Unpatentable Over Kirby In View of Aavitsland**

Aavitsland fails to supply the teachings missing from Kirby, namely retrieving with a vessel a mission module operable to functionally interact with the vessel. As such, Kirby and Aavitsland, taken each alone or in combination, fail to teach or suggest the limitations recited in claims 11 and 19. Accordingly, claims 16-18 and 23 are patentable by virtue of their respective dependencies from claims 11 and 19.

### **CONCLUSION**


In view of the foregoing, claims 1-26 are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite prosecution of this application, please telephone the undersigned at 425.455.5575. The Applicant's attorney respectfully requests the Examiner to telephone the undersigned prior to issuing an Office Action that rejects any pending claim in this case.

In the event additional fees are due as a result of this amendment, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,  
**GRAYBEAL JACKSON HALEY LLP**

Dated: September 23, 2004

A handwritten signature in black ink, appearing to read 'P.G. Scott Born', written over a horizontal line.

P.G. Scott Born  
Registration No. 40,523  
155 - 108th Avenue N.E., Suite 350  
Bellevue, WA 98004-5901  
(425) 455-5575